THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 12779 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed challenging the order dated 13.6.2007 passed by the A.P. Administrative Tribunal in O.A. No. 3204 of 2007.

Heard the learned counsel for the parties and perused the material available on record.

It is the case of the petitioner that through proceedings in RC-A3/115/93 dated 27.4.1993, the District Social Welfare Officer (BCW) accepted the consent and option exercised by the petitioner herein to remain permanently in the office of the District Social Welfare Officer (BCW), Kadapa by duly relinquishing his lien in the Office of Deputy Director, Social Welfare, Kadapa. According to the petitioner from that day onwards he has been working in the Office of the District Social Welfare Officer (BCW), Kadapa. However, the 1st respondent herein has issued orders vide G.O.Rt. No. 113 dated 6.6.2007 repatriating him to the office of Deputy Director, Social Welfare, Kadapa, by posting the 4th respondent herein in his place. Questioning the same, he filed OA. No. 3204 of 2007 before the Tribunal. When the matter was taken up by the Tribunal, learned counsel for the petitioner submitted that there is only one post at Kadapa in which the 4th respondent has already joined. Since there is no vacancy at Kadapa, the Tribunal, by the order impugned in this

writ petition, ordered notice to the respondent returnable in two weeks. Aggrieved, the petitioner filed the present writ petition.

On 19.6.2007 this Court while issuing notice before admission, having regard to the fact that in the order dated 27.4.1993 it has been clearly observed that the consent and option exercised by the petitioner to remain permanently in the Office of District Social Welfare (BCW) Kadapa is accepted by duly relinquishing his lien in the office of Deputy Director, Social Welfare, Kadapa and since then the petitioner has been working in B.C. Welfare Department only, observed that the petitioner has to be treated as an employee of the B.C. Welfare Department and he cannot be repatriated to Social Welfare Department. Accordingly, the 1st respondent was directed to pass fresh orders in the matter within a period of three weeks from today after giving notice to the petitioner as well as the 4th respondent intimating the date of hearing and after perusing the service records of the petitioner as well as the 4th respondent.

Today when the matter is taken up, it is represented by the learned counsel for the petitioner that even though a direction has been issued to the 1st respondent to pass fresh orders, the same could not be done because of the impediment of G.O.Ms.No. 113 dated 6.6.2007. As observed earlier, the petitioner's option has been accepted by the District Social Welfare Officer (BCW), Kadapa vide order dated 27.4.1993. It is also brought to the notice of this Court that the petitioner retired from service on 30.6.2007.

Having regard to the facts and circumstances as stated above, it would suffice if a direction is issued to the 1st respondent to pass fresh orders without reference to G.O.Rt.No.113 dated 6.6.2007 after hearing both the parties.

The writ petition is accordingly disposed of with the above direction.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 27-07-2007.

MVB.